IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.17253 of 1996
CWP No.1922 of 1997
CWP No.3914 of 2001
CWP No.4444 of 2001

DATE OF DECISION: 12.10.2006

Iqbal Singh ....Petitioner

Versus

The State of Punjab and others .....Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr. Rajiv Atma Ram, Senior Advocate with
Mr. H.R. Mittal, Advocate
for the petitioner.

Mr. Ashok Aggarwal,Addl. A.G. Punjab,
for respondent No.1.

Mr. D.S. Patwalia, Advocate
for respondent No.2.

Mr. G.S. Bal, Advocate
for respondent No.3.

J.S. Khehar, J. (oral)

All the petitioners and the private respondents were members of the Punjab Police Service. Just before the determination of their claim for promotion to the Indian Police Service came up for consideration, a show cause notice dated 12/21.9.1995 came to be issued to the private respondents Paramjit Singh Gill and Kartar Singh, requiring them to show cause why their existing position in the gradation list be not altered, so as to include their names in a separate gradation list. Before the State

Government, to which they submitted their replies, could take a final decision in the matter, the private respondents approached the Central Administrative Tribunal, Chandigarh Bench, Chandigarh, seeking consideration for their appointment by promotion to the Indian Police Service. During the course of the aforesaid consideration at the hands of the Central Administrative Tribunal, it set aside the show cause notice issued to the petitioner, as also, ordered their confirmation, in the rank of Deputy Superintendent of Police, in the Punjab Police Service, besides directing the authorities to consider the claims of the private respondents herein for promotion to the IPS.

All this is now subject matter of challenge at the hands of the rival parties.

Despite the aforesaid intervening circumstances, the written statement filed by the official respondents notices that the matter is still pending consideration at the hands of the State Government. Although the determination at the hands of the Central Administrative Tribunal is a matter of serious contest on merits, as well as, on the issue of jurisdiction, we required the learned counsel for the parties to make up their minds, whether they would be satisfied with the fresh determination, from the stage of the show cause notice, at the hands of the State Government. Learned counsel for the rival parties have consented to this, subject to the condition that the entire matter would be considered at the hands of the Principal Secretary, Home, Punjab, and the matter would be determined finally,without any delay.

In view of the above, we consider it just and appropriate to dispose of all the aforementioned writ petitions, with a direction to the Principal Secretary, Home, Punjab, to examine the matter afresh from the stage of the show cause notice dated 12/21.9.1995. It will be imperative for the Principal Secretary, Home, to allow the rival parties to submit fresh representations, supporting their rival claims, before any final determination on the issue. So as to permit an unimpaired determination at the hands of the Principal Secretary, Home, it would be imperative also, without going into the merits of the orders passed by the Central Administrative Tribunal, to set aside all the orders passed in the meantime, including the orders passed by the Central Administrative Tribunal in OA Nos.320-PB of 1996 and 348-CH of 1996 and RA Nos.75 and 76 of 1997, 27 of 1998 and 71 of 2000 which are subject matter of challenge through the writ petitions being disposed of by the instant order. Accordingly, all the said orders are hereby set aside.

The Principal Secretary, Home, shall examine the issues involved with an open mind, and pass a well reasoned speaking order within six months from today, limited to the prayers made in the writ petitions before us.

In the meantime, the authorities shall maintain status quo qua the private respondents, and in case the decision rendered by the Principal Secretary Home, confirms the determination at the hands of the Central Administrative Tribunal, nothing further needs to be done. In case the decision at the hands of the Principal Secretary, Home, is any different from

the decisions rendered by the Central Administrative Tribunal (noticed hereinabove), the consequential effects thereof will necessarily have to emerge. As for instance, the consideration of the claims of the petitioners, as well as, the private respondents by holding proceedings of Selection Committees, and if necessary, separately for the petitioners and the private respondents, based on the revised dates of their eligibility in the zone of consideration for promotion to the IPS.

The writ petitions are disposed of accordingly. This order has been passed in the presence of counsel and with their consent.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

October 12, 2006.
vig